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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,415	06/16/2000	Hitoshi Seki	9651/4017	1580

757 7590 07/09/2002

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P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER

AHMED, SHAMIM

ART UNIT	PAPER NUMBER
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1765

DATE MAILED: 07/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

77-8

Office Action Summary

Application N .

09/595,415

Applicant(s)

SEKI ET AL.

Examiner

Shamim Ahmed

Art Unit

1765

-- Th MAILING DATE of this c mmunication appears n the c ver sheet with the c rrespondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2002 .
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-12 is/are pending in the application.
- 4a) Of the above claim(s) 4-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____ .

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DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I and species A, claims 1-3, wherein claim 3 is cancelled in Paper No. 7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Response to Amendment

2. The amendment filed on 5/6/02 is sufficient to overcome the rejection under 35 USC 102 (b) of the previous Office action mailed 01/02/02. Claims 1-2 are still rejected as below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Condra et al (5,259,979) in view of Kubotera et al (4,297,436).

Condra et al disclose a process and a composition for microetch cleaning of copper, wherein the composition comprises peroxygen compounds of preferred oxidizing agent such as sodium or potassium monopersulfate (KHSO₅) or sodium or potassium peroxydisulfate (col.1, lines 6-9 and col.6, lines 54-64).

Condra et al fail to teach the introduction of acetic acid (claim 2) and also fail to teach the concentration of the peroxycompound (claim 3). However, Kubotera et al disclose a composition of an etch-bleaching solution comprising oxidizing agent such as peroxy compounds and an organic acid such as acetic acid for promoting the etching action. Kubota et al also disclose the oxidizing agent is conventionally used in an amount of from about 0.01 to about 10% by weight of the etch-bleaching solution (col.13, lines 22-38).

Therefore, it would have been obvious to one skill in the art at the time of claimed invention to employ Kubotera et al's teaching into Condra et al's method for effective etching of copper by promoting the etching action as taught by Kubotera et al.

Response to Arguments

5. Applicant's arguments filed 5/6/02 have been fully considered but they are not persuasive. Applicants argue that Condra and Kubotera references are not related art because Condra is directed to a process in which a thin layer of material is completely removed, while Kubotera is directed towards a process of controlled removal of a portion of a layer. This is not persuasive because both the references are directed to an etching agent for copper and additionally Kobotera teaches an etching composition, which is advantageously promoting the etching action by introducing acetic acid and a desired concentration of the oxidizing agent. Applicants also argue that no motivation is presented in order to combine the references. This is not persuasive because the concentration of the oxidizing agent of Kobotera' reference is similar with the invented concentration of the oxidizing agent (see the rejection above). Therefore, it would have

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been obvious to one skilled in the art at the time of claimed invention to combine Kubotera's teaching into Condra's process for promoting the etching action of the etching composition as taught by Kubotera. It is also pointed out that the claimed invention is an etching agent, not a process of using the etching agent. So, the rejection meets the limitation of the claimed invention.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shamim Ahmed whose telephone number is (703) 305-1929. The examiner can normally be reached on M-Thu (7:00-5:30) Every Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Utech can be reached on (703) 308-3836. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-305-7718 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Sa
July 4, 2002

Shamim Ahmed
Examiner
Art Unit 1765

ROBERT KUNEMUND
PRIMARY EXAMINER